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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,800	03/15/2001	Mark Hamilton Jones	5450 PA02	6814
7590	08/15/2005			
Thomas J. Tighe, Esq. 6265 Greenwich Drive, Suite 103 San Diego, CA 92122				EXAMINER
				MENDIRATTA, VISHU K
ART UNIT		PAPER NUMBER		
		3711		

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No.	Applicant(s)	
	09/810,800	JONES, MARK HAMILTON	
	Examiner	Art Unit	
	Vishu K. Mendiratta	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 January 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 5-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 5-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim¹⁵ recites the limitations "the structure, the ball" in claim. There is insufficient antecedent basis for these limitations in the claim.

As understood from the claim, the limitation "each number of the set respectively.....a ball can rest;" merely indicates the availability of betting boxes on applicant's table similar to conventional betting options available in a roulette game. The reference of "the singulated ball" in claim 5 has nothing to fall back in claim 14.

It may be noted that "a camera on a structure with the ball" in claim 5 is being interpreted as *bringing back a roulette wheel* that was not present in claim 14.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 14, 7, 9 rejected under 35 U.S.C. 102(b) as being anticipated by Orselli (5,540,442).

Claim 14: Orselli teaches a table having roulette game indicia for placing bets thereupon (102), a number selector for selecting a random number (142) and a display (140) for displaying the selected number. Applicant may note that claim 14 is a

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comprising (open ended) claim and the cited reference is allowed to show more limitations than claimed by the applicant. In that the cited reference is allowed to show more structures including a roulette wheel and more method steps than claimed by the applicant. **In essence Orselli has every thing that makes the comprising claim 14 of the applicant.** Orselli method of playing teaches all method steps as claimed by the applicant, such as betting options 0,00,1-36 (106), dealer controlling number selector (144) that independently selects a random number to compare with the wagered number and a display device (142) to display the winning number.

Claims 7, 9: Orselli further teaches selector being electronic (4:58).

5. Claims 14,7 rejected under 35 U.S.C. 102(b) as being anticipated by DiRe (4756531).

Claim 14: DiRe teaches a game apparatus for playing a game of chance comprising a table top (60), a selector for producing randomly selected winning numbers (Fig.1, and also see 9:31-56), and displaying the selected number (15).

Claim 7: DiRe further teaches selector being electronic (9:45).

6. Claims 5,15 rejected under 35 U.S.C. 102(b) as being anticipated by Williams (5042810).

At the outset the examiner wants to make it clear that "a structure affixed to the table top.....above the number selector" limitation is being construed as an effort to bring back a wheel like structure with a ball. This clearly reads as a modification of claim 14 by adding a structure available in a roulette wheel. Williams teaches a roulette game having table top with betting areas (Fig.1), a structure (5) with a ball for randomly

determining a winning number, a display (15) for displaying winning number, a camera (13) on the structure to read the winning number.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7,9,10 rejected under 35 U.S.C. 103(a) as being unpatentable over Orselli.

Orselli teaches all limitations except that it does not expressly teach using a numerical processor, CRT communicating with processor, and remote control.

Examiner takes the position that promoting game on electronic media is commonly known in this day and age. One of ordinary skill in art at the time the invention was made would have suggested using electronic media to promote a game.

9. Claims 6,8,11 rejected under 35 U.S.C. 103(a) as being unpatentable over Orselli in view of Santora (4357015).

Orselli teaches all limitations except that it does not teach numerals 37 and 38 instead of 0 and 00.

Santora teaches that modifications in numbers are determined by casinos to adjust their advantages. For example Europe has only one 0 whereas American machines have double 0. This neither changes the working of the machine nor does it change the method of playing. Replacing betting options "0 and 00" with "37 and 38" would merely

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be adjusting the casino advantage. In order to attract potential players, it would have been obvious to modify betting options. One of ordinary skill in art at the time the invention was made would have suggested modifying/adding betting options "0 and 00" with "37 and 38" to attract potential players.

10. Claims 7,9,10 rejected under 35 U.S.C. 103(a) as being unpatentable over DiRe. DiRe teaches all limitations except that it does not expressly teach using a numerical processor, CRT communicating with processor, and remote control. Examiner takes the position that promoting game on electronic media is commonly known in this day and age. One of ordinary skill in art at the time the invention was made would have suggested using electronic media to promote a game.

11. Claims 6,8,11 rejected under 35 U.S.C. 103(a) as being unpatentable over DiRe in view of Santora (4357015).

DiRe teaches all limitations except that it does not teach numerals 37 and 38 instead of 0 and 00.

Santora teaches that modifications in numbers are determined by casinos to adjust their advantages. For example Europe has only one 0 whereas American machines have double 0. This neither changes the working of the machine nor does it change the method of playing. Replacing betting options "0 and 00" with "37 and 38" would merely be adjusting the casino advantage. In order to attract potential players, it would have been obvious to modify betting options. One of ordinary skill in art at the time the invention was made would have suggested modifying/adding betting options "0 and 00" with "37 and 38" to attract potential players.

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12. Claims 8,11 rejected under 35 U.S.C. 103(a) as being unpatentable over DiRe as applied to claim 7 above, and further in view of Santora.

DiRe teaches all limitations except that it does not teach numerals 37 and 38 instead of 0 and 00.

Santora teaches that modifications in numbers are determined by casinos to adjust their advantages. For example Europe has only one 0 whereas American machines have double 0. This neither changes the working of the machine nor does it change the method of playing. Replacing betting options "0 and 00" with "37 and 38" would merely be adjusting the casino advantage. In order to attract potential players, it would have been obvious to modify betting options. One of ordinary skill in art at the time the invention was made would have suggested modifying/adding betting options "0 and 00" with "37 and 38" to attract potential players.

13. Claim 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (6264200) in view of Valdez (5934999).

Smith teaches a roulette-like game with no wheel, a selector for randomly generated cards (abstract line 2-3), outcomes similar to roulette (5:23-25).

Smith teaches all limitations except that it does not teach a display.

Valdez teaches a display (19). Displays are commonly known in the art area and provided to make the results visible to all players. In order to make the game result visible to all players it would have been obvious to provide a display unit.

14. Claim 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Boylan (5265877) in view of Valdez (5934999).

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Boylan teaches a roulette-like game with (no wheel), a selector for randomly generated numbers (180), outcomes similar to roulette (Fig.5).

Smith teaches all limitations except that it does not teach a display.

Valdez teaches a display (19). Displays are commonly known in the art area and provided to make the results visible to all players. In order to make the game result visible to all players it would have been obvious to provide a display unit.

15. Claims 12-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (6264200) and further in view of official notice for a card shuffler.

Smith teaches all limitations except that it does not teach the selector being a deck of cards.

Smith teaches a deck of cards used for selecting a single random card (abstract).

Smith further teaches that a lot of people find it uncomfortable playing a game using wheels. People are more comfortable playing games using cards. This is mostly for the reason that people feel they will be cheated in the game.

In order to bring player confidence it would have been obvious to replace wheel in the Herman reference with a deck of cards.

One of ordinary skill in art at the time the invention was made would have used cards in place of a wheel in order to bring confidence in the players that they will not be cheated.

Further Herman does not teach using a shuffler for dealing cards.

In the art area of table games common practices of dealing cards are dealing by hand or dealing by a shuffler.

Players often feel cheated when a dealer deals cards by hand. Using a shuffler eliminates the feeling of being cheated.

In order to bring player confidence in the game, it would have been obvious to use a shuffler for dealing cards. One of ordinary skill in art at the time the invention was made would have suggested using a shuffler for player confidence.

Response to Arguments

16. Applicant's arguments filed 1/7/05 have been fully considered but they are not persuasive. Orsell selector (140) selects a number (142) that if wagered by a player is considered a winner. The selector (140) is capable of independently and randomly select a number and display on the selector (142).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K. Mendiratta whose telephone number is (571) 272-4426. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vishu K Mendiratta
Primary Examiner
Art Unit 3711

VKM
August 9, 2005